THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.3555 of 2007

Date: 23.02.2007

Between:

Vadella Mohana Rao.

....Petitioner

and

The Sub-Registrar of Assurances, Addanki Mandal, Prakasam District and another.

....Respondents

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O R D E R:

The petitioner states that he is the owner and possessor of the land admeasuring 50 cents in Sy.No.1004/2C situated at North Addanki, Addanki Village and Mandal, Prakasam District, and that he intended to sell the said property and approached the 1st respondent for issuance of certificate of market value for the aforesaid property, for payment of stamp duty and registration fee. According to him, the 1st respondent refused to register the same, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said survey number. This writ petition is filed seeking appropriate directions to the respondents in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the 1st respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same in accordance with the provisions of the Stamp Act and the Registration Act.

Hence, the writ petition is disposed of, directing the 1st respondent to receive and process the document presented by the petitioner and take necessary steps in accordance with the provisions of the Stamp Act and the Registration Act, within one week from the date of receipt of a copy of this order. There shall be no order as to costs.

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23.02.2007

Note:Furnish C.C. in three days.

(B/o)

GJ

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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77